PATENT COOPERATION TREATY

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WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43*bis*.1)

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Applicant's or agent's file reference	FOR FURTHER ACTION
06975-403WO1	See paragraph 2 below

International application No.	International filing date (day/month/year)	Priority date (day/month/year)
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IPC(7): G09G 5/00 and US Cl.: 345/733, 751, 753, 758

Applicant

AMERICAN ONLINE INC.

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1. This opinion contains indications relating to the following items:

☒ Box No. I — Basis of the opinion

☐ Box No. II — Priority

☐ Box No. III — Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV — Lack of unity of invention

☒ Box No. V — Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI — Certain documents cited

☐ Box No. VII — Certain defects in the international application

☐ Box No. VIII — Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1*bis(b)* that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US	Authorized officer
Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703)305-3230	Kristine L. Kincaid Telephone No. (703) 305-3900

Form PCT/ISA/237 (cover sheet) (January 2004)

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

   ☐   This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

   a.   type of material

      ☐   a sequence listing

      ☐   table(s) related to the sequence listing

   b.   format of material

      ☐   in written format

      ☐   in computer readable form

   c.   time of filing/furnishing

      ☐   contained in international application as filed.

      ☐   filed together with the international application in computer readable form.

      ☐   furnished subsequently to this Authority for the purposes of search.

3. ☐   In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

Box No. V Reasoned statement under Rule 43 *bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	33-41,118-126 and 148-156	YES
	Claims	1-32,42-117,127-147 and 157-163	NO
Inventive step (IS)	Claims	NONE	YES
	Claims	1-163	NO
Industrial applicability (IA)	Claims	1-163	YES
	Claims	NONE	NO

2. Citations and explanations:

Please See Continuation Sheet

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V. 2. Citations and Explanations:
Claims 1-32, 42-117, 127-147, and 157-163 lack novelty under PCT Article 33(2) as being anticipated by Liles et al.

Per claim 1, Liles et al. teaches a graphical user interface configured for presentation on a display device and comprising: a sender portion that displays a sender avatar capable of displaying multiple animations (figs. 3-8; col. 5, lines 50-65); a message compose area capable of displaying text included in the message sent from the sender to the recipient (fig. 13; element 262; col. 10, lines 1-32); and communication controls, at least one communication control being operable to receive an indication that the message displayed in the message compose area is to be sent from the sender to the recipient, wherein the sender avatar is animated in response to a trigger related to content of a message sent from a sender to a recipient (col. 10, lines 1-32; col. 7, lines 18-40, col. 9, lines 55-59).

Per claim 2, Liles et al. teaches the graphical user interface of claim 1 wherein the instant message sender display comprises a recipient portion that displays a recipient avatar capable of displaying multiple animations in response to a trigger related to content of a message sent from a sender to a recipient, a message history area capable of displaying the content of multiple messages sent between the sender and the recipient and identifying an identity associated with the recipient (col. 7, lines 18-40; col. 9, lines 55-57).

Per claim 3, Liles et al. teaches the graphical user interface of claim 2 wherein the recipient avatar is animated in response to an animation of the sender avatar col. 7, lines 18-40; col. 8, lines 56-67).

Per claim 4, Liles et al. teaches the graphical user interface of claim 1 wherein the graphical user interface comprises a contact list display for displaying potential recipients (col. 11, lines 47-66).

Per claim 5, Liles et al. teaches the graphical user interface of claim 4 wherein the contact list display indicates whether each potential recipient is available to receive a message (col. 13, lines 50-67).

Per claim 6, Liles et al. teaches the graphical user interface of claim 4 wherein the potential recipients are grouped and associated with an indication of a group identity (col. 13, lines 50-67).

Per claim 7, Liles et al. teaches the graphical user interface of claim 4, wherein a potential recipient displayed on the contact list is associated with a potential recipient avatar, further comprising: displaying the potential recipient avatar on the contact list in association with an identity of the potential recipient and animating the potential recipient avatar on the contact list in response to animation of the potential recipient avatar displayed elsewhere (col. 9, lines 15-30; col. 13, lines 50-67).

Per claim 8, Liles et al. teaches the graphical user interface, of claim 7 wherein the animation of the potential recipient avatar on the contact list comprises an animation that is substantially similar to the animation of the potential recipient avatar displayed elsewhere (col. 6, lines 50-67; col. 7, lines 7-17).

Per claim 9, Liles et al. teaches the graphical user interface of claim 7 wherein the animation of the potential recipient avatar on the contact list: comprises an animation that is different than the animation of the potential recipient avatar displayed elsewhere (col. 9, lines 1-15).

Per claim 10, Liles et al. teaches the graphical user interface of claim 7 wherein the animation of the potential recipient avatar on the contact list comprises an animation that is representative of the animation of the potential recipient avatar displayed elsewhere (col. 10, lines 50-67; col. 7, lines 7-17).

Per claim 11, Liles et al. teaches the graphical user interface of claim 1 wherein graphical user interface is used for an instant messaging communication session (col. 6, lines 50-52).

Per claim 12, Liles et al. teaches the graphical user interface of claim 1 wherein the trigger comprises a portion of the text

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of the message (col. 10, lines 1-32).

Per claim 13, Liles et al. teaches the graphical user interface of claim 1 wherein the trigger comprises all of the text of the message (col. 10, lines 1-32).

Per claim 14, Liles et al. teaches the graphical user interface of claim 1 wherein appearance or animation of the sender avatar indicates an environmental condition associated with the sender (col. 7, lines 18-40).

Per claim 15, Liles et al. teaches a graphical user interface of claim 1 wherein appearance or animation of the sender avatar indicates a personality characteristic associated with the sender (col. 9, lines 33-50).

Per claim 16, Liles et al. teaches the graphical user interface of claim 1 wherein appearance or animation of the sender avatar indicates an emotional state associated with the sender (col. 9, lines 33-50).

Per claim 17, Liles et al. teaches the graphical user interface of claim 1 wherein appearance or animation of the sender avatar indicates a setting characteristic associated with the sender (col. 9, lines 33-50).

Per claim 18, Liles et al. teaches the graphical user interface of claim 1 wherein appearance or animation of the sender avatar indicates an activity associated with the sender (col. 9, lines 33-50).

Per claim 19, Liles et al. teaches the graphical user interface of claim 1 wherein the sender avatar is animated in response to the passing of a predetermined amount of time during which the sender does not communicate a message to the recipient (col. 9, lines 15-30).

Per claim 20, Liles et al. teaches the graphical user interface of claim 1 wherein the sender avatar is animated in response to the passing of a predetermined amount of time during which the sender does not use a computing device that is used by the sender to communicate with the recipient in the communications session (col. 9, lines 15-30).

Per claim 21, Liles et al. teaches the graphical user interface of claim 1 wherein the avatar animation used as the communication conduit comprises a breakout animation that involves displaying avatar outside of normal display space occupied by the avatar (col. 11, lines 47-67).

Per claim 22, Liles et al. teaches the graphical user interface of claim 1 wherein the sender avatar is animated to produce sounds used for verbal communication (col. 13, lines 34-49).

Per claim 23, Liles et al. teaches the graphical user interface. of claims 1-22 wherein the graphical user interface is generated by an executing computer program product (col. 5, lines 43-60).

Claim 24 is rejected under the same rationale as claim 1.

Claim 25 is rejected under the same rationale as claim 1.

Per claim 26, Liles et al. teaches the method of claim 25 wherein the communication session is an instant messaging communication session (col. 6, lines 50-52).

Per claim 27, Liles et al. teaches the method of claim 25 wherein the avatar comprises a facial animation that does not include a body having an ear or a leg (figs. 6-8).

Per claim 28, Liles et al. teaches the method of claim 25 wherein the avatar comprises a facial animation, including a neck, that does not include a body having an ear or a leg (figs 5 and 8; col. 7, lines 47-54; col. 9, lines 33-53).

Per claim 29, Liles et al. teaches the method of claim 25 wherein the out-of-band information comprises information indicating an environmental condition associated with the first user (col. 7, lines 18-42).

Per claim 30, Liles et al. teaches the method of claim 29 wherein the environmental condition comprises an environmental condition related to weather occurring in a geographic location near the first user (fig. 13; weather information 262).

Claims 31-32 are rejected under the same rationales as claims 15-16.

Per claim 42, Liles et al. teaches the method of claim 25 wherein out-of-band information comprises information related to a mood of the first user (col. 7, lines 18-42; col. 9, lines 52).

Per claim 43, Liles et al. teaches The method of claim 42 wherein the mood of the first user comprises one of happy, sad or angry (fig 7).

Per claim 44, Liles et al. teaches the method of claim 25 wherein out-of-band information comprises information associated with an activity of the first user (col. 9, lines 15-30).

Per claim 45, Liles et al. teaches the method of claim 44 wherein the activity is being performed by the first user at substantially the same time that the out of band message is communicated form the first user to the second user (col. 11, lines 47-67).

Per claim 46, Liles et al. teaches the method of 45 wherein the activity comprises one of working or listening to music (col. 13, lines 35-45).

Per claim 47, Liles et al. teaches the method of 29 wherein out of band information comprises information conveying that the first user has muted sounds associated with the avatar (col. 13, lines 35-45).

Per claim 48, Liles et al. teaches the method of claim 25 further comprising triggering, based on the information conveyed in the message from the first user to the second user, and animation of the avatar to convey the out of band information from the first user to the second user (col. 7, lines 18-42; col. 9, lines 52; col. 10, lines 1-32)

Per claim 49, Liles et al. teaches the method of claim 48 wherein the trigger comprises a portion of text (col. 7, lines 34-42; col. 10, lines 1-32).

Per claim 50, Liles et al. teaches the method of claim 48 wherein the trigger comprises all of the text of the message (col. 10, lines 1-32).

Per claim 51, Liles et al. teaches the method of claim 48 wherein the trigger comprises an audio portion of the message (col. 13, lines 35-50)

Claims 52 and 53 are rejected under the same rationale as claim 19 and 20 respectively.

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Per claim 54, Liles et al. teaches the method of claim 25 wherein the avatar animation used as the communication conduit comprises a facial expression of the avatar (col. 7, lines 43-65).

Per claim 55, Liles et al. teaches the method of claim 25 wherein the avatar animation used as the communication conduit comprises a gesture made by a hand of the avatar or a gesture made by an arm of the avatar (col. 7, lines 43-65; col. 8, lines 56-67).

Per claim 56, Liles et al. teaches the method of claim 25 wherein the avatar animation used as the communication conduit comprises movement of a body of the avatar (col. 7, lines 43-65; col. 8, lines 56-67).

Per claim 57, Liles et al. teaches the method of claim 25 wherein the avatar animation used as the communication conduit comprises sounds made by the avatar (col. 13, lines 35-50).

Per claim 58, Liles et al. teaches the method of claim 57 wherein at least some of the sounds comprise a voice based on a voice of the first user (col. 13, lines 35-50).

Claim 59 is rejected under the same rationale as claim 21.

Per claim 60, Liles et al. teaches the method of claim 59 wherein the breakout animation comprises telescoping the avatar (col. 7, lines 43-65, col. 9, lines 1-15).

Per claim 61, Liles et al. teaches the method of claim 59 wherein the breakout animation comprises resizing the avatar (col. 7, lines 43-65, col. 9, lines 1-15).

Per claim 62, Liles et al. teaches the method of claim 59 wherein the breakout animation comprises repositioning the avatar (col. 7, lines 43-65, col. 9, lines 1-15).

Per claim 63, Liles et al. teaches the method of claim 25 further comprising providing the first user with multiple preconfigured avatars having associated preselected animations; and enabling the first user to select a particular avatar to represent the user in the communications session (col. 6, lines 50-67).

Per claim 64, Liles teaches the method of claim 63 further comprising persistently associating the first user with the selected avatar to represent the first user in subsequent communication sessions (co. 7, lines 18-42).

Per claim 65, Liles et al teaches the method of claim 63 further comprising enabling the first user to modify the appearance of the avatar (col. 7, lines 43-65; col. 8, lines 56-67; col. 9, lines 1-15).

Per claim 66, Liles et al. teaches the method of claim 65 wherein enabling the first user to modify the appearance of the avatar comprises enabling the first user to use a slide bar to indicate a particular modification of a particular feature of the avatar (col. 7, lines 43-65; col. 8, lines 56-67; col. 9, lines 1-15).

Per claim 67, Liles et al. teaches the method of claim 65 wherein enabling the first user to modify the appearance of the avatar comprises enabling the first user to modify appearance of the avatar to reflect a characteristic of the first user (col. 7, lines 43-65; col. 8, lines 56-67; col. 9, lines 1-15 and lines 33-35).

Per claim 68, Liles et al. teaches the method of claim 67 wherein the characteristic of the first user comprises one of age, gender, hair color, eye color, or a facial feature ((col. 7, lines 43-65; col. 8, lines 56-67; col. 9, lines 1-15).

Per claim 69, Liles et al. teaches the method of claim 65 wherein enabling the first user to modify the appearance of the avatar comprises enabling the first user to modify appearance of the avatar by adding, changing or deleting a prop displayed with the avatar (col. 7, lines 43-65; col. 8, lines 56-67; col. 9, lines 1-15).

Per claim 70, Liles et al. teaches the method of claim 69 wherein the prop comprises one of eyeglasses, sunglasses, a hat, or earrings (col. 7, lines 43-65; col. 8, lines 56-67; col. 9, lines 1-15).

Per claim 71, Liles teaches the method of claim 25 further comprising enabling the first user to modify a trigger used to cause an animation of the avatar (col. 6, lines 43-65; col. 8, lines 56-69).

Per claim 72, Liles teaches the method of claim 71 wherein the trigger comprises text included in the message sent from the first user to the second user (col. 10, lines 1-32).

Per claim 73, Liles et al. teaches the method of claim 25 further comprising animating the avatar -or use as an information assistant to convey information to the first user (col. 10, lines 1-32).

Per claim 74, Liles et al. teaches the method of claim 25 further comprising enabling use of the avatar by an application other than a communications application (col. 7, lines 8-16).

Per claim 75, Liles et al. teaches the method of claim 74 wherein enabling use of the avatar by an application other than a communications application comprises enabling use of the avatar in an online journal (col. 13, lines 44-49).

Per claim 76, Liles et al. teaches the method of claim 25 further comprising displaying a depiction of the avatar in the form that is substantially similar to a trading card (col. 7, lines 1-6 and lines 43-65).

Per claim 77, Liles et al. teaches the method of claim 76 wherein the trading card depiction of the avatar comprises a trading card depiction of the avatar that includes characteristics associated with the first user (col. 7, lines 1-6 and lines 43-65).

Per claim 78, Liles et al. teaches the method of claims 25-77 wherein the processes are performed by a computer program that is configured to communicate and that is embodied on a computer-readable medium or propagated signal (fig. 2).

Claim 79 is rejected under the same rationale as claim 25.

Per claim 80, Liles et al. teaches a computer-implemented method for enabling perception of multiple online personas in an instant messaging communications session, the method comprising: identifying at least two identities within a communications environment to whom messages may be directed (col. 11, lines 47-66); and enabling a first persona of a user to be projected to a first of the identities while enabling a second persona of the same user to be concurrently projected to a second of the identities (col. 6, lines 50-67; col. 7, lines 43-65; col. 8, lines 55-67; col. 9, lines 33-52), wherein: the first and second personas each comprise an avatar capable of being animated, and the first persona and the second persona differ (col. 6, lines 50-67; col. 7, lines 43-65; col. 8, lines 55-67; col. 9, lines 33-52).

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Per claim 81, Liles et al. teaches the method of claim 80 wherein the first persona differs from the second persona such that first persona invokes a different avatar than an avatar invoked by the second persona (col. 6, lines 50-67).

Per claim 82, Liles et al. teaches the method of claim 80 wherein: the first persona invokes a first avatar, the second persona invokes a second avatar, the first avatar and the second avatar are the same avatar, and an animation associated with the first avatar is different from animations associated with the second avatar (col. 6, lines 50-67).

Per claim 83, Liles et al. teaches the method of claim 80 wherein: the first persona invokes a first avatar, the second persona invokes a second avatar, the first avatar and the second avatar are the same avatar, and an appearance associated with the first avatar is different from appearances associated with the second avatar (col. 6, lines 50-67; col. 9, lines 33-52).

Per claim 84, Liles et al. teaches the method of clairli 80 wherein at least one of the avatars comprises an avatar that is associated with multiple sounds (col. 13, lines 35-50).

Per claim 85, Liles et al. teaches the method of claim 80 wherein at least one of the avatars comprises an avatar capable of being animated persona based on text of a message sent in the instant message communications session (col. 9, lines 55-57; col. 10, lines 1-32).

Per claim 86, Liles et al. teaches the method of claim 80 wherein at least one of the avatars comprises an avatar capable of being animated to send an out-of-band communication (col. 9, lines 55-57; col. 10, lines 1-32).

Per claim 87, Liles et al. teaches the method of claim 80 further comprising associating the first persona with a first group of identities so that the first persona is projected in communications sessions with members of the first group of identities (col. 11, lines 47-66; col. 13, lines 50-67).

Per claim 88, Liles et al. teaches the method of claim 87 further comprising associating the second persona with a second group of identities so that the second persona is projected in communications sessions with members of the second group of identities (col. 11, lines 47-66; col. 13, lines 50-67).

Per claim 89, Liles et al. teaches the method of claim 80 further comprising associating a persona with the first of the identities and associating a different persona with a group of the identities with which the first of the identities is associated, wherein the first persona projected to the first of the identities comprises an amalgamation of the persona associated with the first of the identities and the different persona associated with the group of the identities (col. 11, lines 47-66; col. 13, lines 50-67).

Per claim 90, Liles et al. teaches the method of claim 89 wherein the persona associated with the first of the identities overrides the different persona associated with the group of the identities to the extent a conflict exists (col. 11, lines 47-66; col. 13, lines 50-67).

Per claim 91, Liles et al. teaches the method of claims 80-90 where in the processes are performed by a computer program configured to enable perception of multiple online personas in an instant messaging communications session and that is embodied on a computerreadable medium or propagated signal (fig. 1; col. 6, lines 50-67).

Claims 92-95 are rejected under the same rationale as claims 80-83 respectively.
Claims 96-97 are rejected under the same rationale as claims 85-86 respectively.
Claim 98 is rejected under the same rationales as claims 80 and 1.

Per claim 99, Liles et al. teaches the method of claim 98 wherein the sender persona is selected by the instant messaging sender from the multiple possible personas associated with the instant messaging sender (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52).

Per claim 100, Liles et al. teaches the method of claim 98 wherein the persona is rendered before communications are initiated by the potential instant messaging sender (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32).

Per claim 101, Liles et al. teaches the method of claim 98 wherein the persona is rendered after communications are initiated by the potential instant messaging sender (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32).

Per claim 102, Liles et al. teaches the method of claim 98 in which self-expression items comprise one or more of a wallpaper, an emotion, and a sound (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32).

Per claim 103, Liles et al. teaches the method of claim 98 further comprising defining one or more personas (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32).

Per claim 104, Liles et al. teaches the method of claim 103 further comprising: assigning a first persona to a first potential instant messaging recipient so that the first persona is thereafter automatically invoked and projected, in an instant messaging communications session involving the first potential instant messaging recipient; and assigning a second persona to a second potential instant messaging recipient so that the second persona is thereafter automatically invoked and projected, in an instant messaging communications session involving the second potential instant messaging recipient, wherein the second persona is at least partially distinguishable from the first persona (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67).

Per claim 105, Liles et al. teaches the method of claim 104 further comprising: assigning a first persona to a first group of potential instant messaging recipients so that the first persona is thereafter automatically invoked and projected in an instant messaging communications session involving a member of the first group of potential instant messaging recipients; and assigning a second persona to a second potential instant messaging recipient so that the second persona is thereafter automatically invoked and projected, in an instant messaging communications session involving the second potential instant messaging recipient, wherein the second persona is at least partially distinguishable from the first persona (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67).

Per claim 106, Liles et al. teaches the method of claim 98 further comprising disabling use of one of the multiple personas (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67).

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Per claim 107, Liles et al. teaches the method of claim 98 wherein disabling use of one of the multiple personas comprises disabling use of one of the multiple personas based on the instant messaging recipient (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67).

Per claim 108, Liles et al. teaches the method of claim 98 wherein: one of the multiple personas comprise a work persona associated with presence of the instant messaging sender at a work location associated with the instant messaging sender, and one of the multiple personas comprise a home persona associated with presence of the instant messaging sender at home, the method further comprising: determining whether the instant messaging sender is at home or at the work location; in response to a determination that the instant messaging sender is at home, selecting the home persona for use in the instant messaging communications session; and in response to a determination that the instant messaging sender is at the work location, selecting the work persona for use in the instant messaging communications session (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67).

Per claim 111, Liles et al. teaches the method of claim 98 further comprising selecting a persona to be displayed by the potential instant messaging recipient based on a group of potential instant messaging recipients that are associated with the potential instant messaging recipient (col. 11, lines 47-67; col. 13, lines 50-67).

Per claim 112, Liles et al. teaches the method of claim 98 wherein at least some of characteristics of a persona may be transparent to the instant messaging sender (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67)..

Per claim 113, Liles teaches the method of claim 98 wherein the sender avatar is animated to send an out-of-band communication from the instant messaging sender to the potential instant messaging recipient (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67).

Claim 114 is rejected under the same rationale as claim 14.

Claim 115 is rejected under the same rationale as claim 30.

Claims 116-117 are rejected under the same rationales as claims 15-16 respectively.

Per claim 127, Liles et al. teaches the method of claims 98-1.26 wherein the processes are performed by a computer program that is configured to enable perception of multiple online personas in an instant messaging communications session and that is embodied on a computer-readable medium or propagated signal (fig. 2; col. 5, lines 43-56).

Claim 128 is rejected under the same rationale as claim 98.

Per claim 129, Liles et al. teaches a computer-implemented method for using an avatar to communicate, the method comprising: representing a user graphically using; an avatar capable of being animated, wherein the avatar is associated with multiple animations and multiple features of appearance that represent a pattern of characteristics representing a personality of the avatar (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67)..

Per claim 130, Liles et al. teaches the method of claim 129 wherein the avatar is associated with a description that identifies the personality of the avatar (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67).

Per claim 131, Liles et al. teaches the method of claim 129 wherein the personality of the avatar includes at least some characteristics that are distinct of at least some characteristics of a personality of the user (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67)..

Per claim 132, Liles et al. teaches the method of claim 129 further comprising: graphically representing a second user with a second avatar capable of being animated wherein the second avatar is associated with multiple animations and multiple features of appearance that represent a pattern of characteristics representing a personality of the second avatar, wherein: the personality of the second avatar includes at least some characteristics that are distinct of at least some characteristics of the personality of the first avatar, and communication messages are being sent between the first user and the second user (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67)..

Per claim 133, Liles et al. teaches the method of claims 73-76 wherein the processes are performed by a computer that is configured to use an avatar to communicate and that is embodied on a computer-readable medium or propagated signal (fig. 2; col. 5, lines 43-60).

Claim 134 is rejected under the same rationale as claim 129.

Per claim 135, Liles et al. teaches a apparatus for using an avatar to communicate, the apparatus comprising: means for representing a user graphically using an avatar capable of being animated, wherein the avatar is associated with multiple animations and multiple features of appearance that represent a pattern of characteristics representing a personality of the avatar (col. 6, lines 50-67; col. 7, lines 18-42; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67)..

Per claim 136, Liles et al. teaches a computer-implemented method for animating a first avatar based on perceived animation of a second avatar, the method comprising: graphically representing a first user with a first avatar capable of being animated; graphically representing a second user with a second avatar capable of being animated wherein communication messages are being sent between the first user and the second user; receiving an indication of an animation of the first avatar; and in response to and based on the received indication of the animation, animating the second avatar (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67).

Per claim 137, Liles et al. teaches the method of claim 136 wherein receiving the indication of an animation comprises receiving an indication of any type of animation of the first avatar (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67)..

Per claim 138, Liles et al. teaches the method of claim 136 wherein receiving the indication of an animation comprises

Supplemental Box
In case the space in any of the preceding boxes is not sufficient.

receiving an indication of a particular animation of multiple possible animations of the first avatar (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67)..

Per claim 139, Liles et al. teaches the method of claim 136 further comprising animating the first avatar in response to and based on the animation of the second avatar (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67)..

Per claim 140, Liles et al. teaches the method of claim 136 wherein the first avatar is animated in response to a particular portion of a message sent between the first user and the second user (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67).

Per claim 141, Liles et al. teaches the method of claim 140 wherein the first avatar is animated in response to a particular portion of a message sent from the first user to the second user (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67)..

Per claim 142, Liles et al. teaches the method of claim 140 wherein the first avatar is animated in response to a particular portion of a message sent to the first user from the second user (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67)..

Per claim 143, Liles et al. teaches the method of claim 136 wherein the first avatar is animated to send an out-of-band communication from the first user to the second user (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67)..

Per claim 144, et al. teaches the method of claim 143 wherein the out-of-band communication comprises a communication indicating an environmental condition associated with the first user (col. 6, lines 50-67; col. 7, lines 18-42; col. 9, lines 33-52; col. 10, lines 1-32; col. 11, lines 47-67; col. 13, lines 50-67).

Claim 145 is rejected under the same rationale as claim 30.

Claims 146-147 are rejected under the same rationale as claims 15-16 respectively.

Per claim 157, Liles et al. teaches the method of claims 136-156 wherein the processes are performed by a computer program that is configured to animate a first avatar based on perceived animation of a second avatar and that is embodied on a computer-readable medium or propagated signal (fig. 2; col. 5, lines 43-60).

Claims 158-163 are rejected under the same rationale as claims 136-141 respectively.

Claims 33-41, 118-126, and 148-156 lack an inventive step under PCT Article 33(3) as being obvious over Tang et al.

Per claim 33, Liles et al. teaches the method of claim 25, but does not specifically teach wherein the out of band information comprises information indicating a setting characteristic associated with the first user. However, Tang et al. teaches wherein the out of band information comprises information indicating a setting characteristic associated with the first user (figs. 5-6 and 9; col. 9, lines 38-62; col. 10, lines 51-67). Accordingly, it would have been obvious for one of ordinary skill in the art at the time of the invention to include the setting characteristic of Tang et al. in the invention of Liles et al. in order to provide users an improved chat room that allows the users to stored and share documents and files related to the topic of discussion in the chat room.

Per claim 34, Tang et al. teaches the method of claim 33 wherein the setting characteristic comprises a characteristic related to time of day of the first user (figs. 5-6 and 9; col. 9, lines 38-62; col. 10, lines 51-67).

Per claim 35, Tang et al. teaches the method of claim 33 wherein the setting characteristic comprises a characteristic related to time of year (figs. 5-6 and 9; col. 9, lines 38-62; col. 10, lines 51-67).

Per claim 36, Tang et al. teaches the method of claim 35 wherein the time of year comprises a holiday (figs. 5-6 and 9; col. 9, lines 38-62; col. 10, lines 51-67).

Per claim 37, Tang et al. teaches the method of claim 35 wherein the time of year comprises a season wherein the season is one of spring, summer, fall or winter (figs. 5-6 and 9; col. 9, lines 38-62; col. 10, lines 51-67).

Per claim 38, Tang et al. teaches the method of claim 33 wherein the setting characteristic comprises a characteristic associated with a work setting (figs. 5-6 and 9; col. 9, lines 38-62; col. 10, lines 51-67).

Per claim 39, Tang et al. teaches the method of claim 33 wherein the setting characteristic comprises a characteristic associated with a recreation setting (figs. 5-6 and 9; col. 9, lines 38-62; col. 10, lines 51-67).

Per claim 40, Tang et al. teaches the method of claim 39 wherein the recreation setting comprises a beach setting or a tropical setting (figs. 5-6 and 9; col. 9, lines 38-62; col. 10, lines 51-67).

Per claim 41, Tang et al. teaches the method of claim 39 wherein the recreation setting comprises a winter sport setting (figs. 5-6 and 9; col. 9, lines 38-62; col. 10, lines 51-67).

Claims 109 and 110 are rejected under the same rationale as claims 34-35 respectively.

Claims 118 -126 are rejected under the same rationale as claims 33-41 respectively.

Claims 148 -156 are rejected under the same rationale as claims 33-41 respectively.